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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In Re T. L. III, a Person Coming Under the
Juvenile Court Law.

H034671
(Santa Clara County
Super. Ct. No. JV28103)

THE PEOPLE,

Plaintiff and Respondent,

v.

T. L. III,

Defendant and Appellant.

The sole issue raised in this appeal is a challenge to a single probation condition. Appellant T. L. III claims that a probation condition prohibiting him from attending court proceedings is unconstitutional. Appellant asks this court to modify the challenged condition as this court recently did in *People v. Leon* (2010) 181 Cal.App.4th 943 (*Leon*). In *Leon*, the challenged condition read: “You shall not appear at any court proceeding unless you’re a party, you’re a defendant in a criminal action, subpoenaed as a witness, or with permission of probation.” (*Leon*, at p. 948.) This court found the condition unconstitutional and modified it to read: “You shall not be present at any court proceeding where you know or the probation officer informs you that a member of a

criminal street gang is present or that the proceeding concerns a member of a criminal street gang unless you are a party, you are a defendant in a criminal action, you are subpoenaed as a witness, or you have the prior permission of your probation officer.” (*Leon*, at p. 954, italics added.)

Appellant is Norteno gang member. The probation condition imposed on him by the juvenile court reads: “That said minor not knowingly come within 25 feet of a courthouse when the minor knows there are criminal or juvenile proceedings occurring which involves [*sic*] anyone the minor knows to be a gang member or where the minor knows a witness or victim of gang-related activity (criminal street gang as defined in PC186.22(e) and (f)) will be present, unless the minor is a party in the action or subpoenaed as a witness or has prior permission from his probation officer.” The juvenile court formulated this probation condition in response to appellant’s objections to the original proposed probation condition. The original proposed probation condition, which was similar to the one challenged in *Leon*, read: “That said minor not attend any court proceeding, or come within 25 feet of the courthouse, unless he is attending as the subject of the court proceeding, the victim in a court proceeding, or is ordered or subpoenaed to a court proceeding.”

Appellant does not articulate any specific basis for his challenge to the few distinctions between the probation condition actually imposed on him and the modified probation condition approved in *Leon*. Nevertheless, we believe that it is appropriate to modify the condition to narrow it to certain court proceedings rather than prohibiting appellant’s presence near courthouses.

The juvenile court’s order is modified with respect to the challenged probation condition so that the condition reads: “That said minor not knowingly be present at any criminal or juvenile proceeding which involves anyone the minor knows to be a gang member or where the minor knows a witness or victim of gang-related activity (criminal street gang as defined in PC186.22(e) and (f)) will be present, unless the minor is a party

in the action or subpoenaed as a witness or has prior permission from his probation officer.” As so modified, the juvenile court’s order is affirmed.

Mihara, J.

WE CONCUR:

Bamattre-Manoukian, Acting P. J.

McAdams, J.